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COMMITTEE ON THE RIGHTS OF THE CHILD

Fifth session

SUMMARY RECORD OF THE 126th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 26 January 1994, at 3 p.m.

Chairperson: Mrs. BADRAN

CONTENTS

Consideration of reports submitted by States parties (continued)

Initial report of Belarus (continued)

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The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES (agenda item 5) (continued)

Initial report of Belarus (continued) (CRC/C/[illegible]Add.14)

1. At the invitation of the Chairperson, Mrs. Sivolobova, Mrs. Leonova and Mrs. Drozd (Belarus) took seats at the Committee table.

2. The CHAIRPERSON invited the delegation of Belarus to resume its response to the Committee's questions.

3. Mrs. LEONOVA (Belarus), replying as a representative of the Ministry of Justice to the question concerning the separation of juvenile offenders from adults in detention centres, said that the law prohibited the detention of juvenile offenders and adults in the same place. Unfortunately, it was not always possible to comply with that provision. When there were too many prisoners or when local police stations had accommodation problems, it was sometimes impossible to keep adults and juveniles apart. With regard to judicial proceedings, when a juvenile suspected of having committed an offence was arraigned, the persons conducting the preliminary investigation considered the offender's living conditions, the motives for the offence, whether there had been adult incitement or involvement, and any other element that might explain why the offence had been committed. A full knowledge of the circumstances that had led the juvenile to commit an offence was necessary if action were to be taken to prevent its recurrence. To ensure respect for the law in corrective institutions, the living conditions of offenders placed in such establishments were subject to inspection in order to bring to light any violations. A magistrate attached to the Public Prosecutor's Office was responsible for conducting such inspections. Any staff member of a corrective institution who failed to respect the law could be brought to justice and punished.

4. There was no legislation governing the upbringing of children in the family, for which the family alone was responsible. However, anyone who had knowledge of a case of child abuse was under an obligation to report the matter to the competent authorities. Failure to do so was not an offence; it was simply a matter of moral responsibility. Moreover, anyone with information concerning a minor who was no longer living with his or her parents or with a parental substitute had a duty to report the matter to the custodial bodies. Failure to inform was not punishable under law in that case either.

5. Turning to the question of street children, Mrs. Leonova confirmed that there were some children who were unhappy with their families and ran away, but it was not a widespread occurrence. If children were no longer under the supervision of their parents or a parental substitute, the custodial bodies immediately took steps to place them in a child care centre or specialized establishment or to have them adopted.

6. Mrs. SIVOLOBOVA (Belarus), replying to a question by Mr. Kolosov, said that there was no system for monitoring child labour in rural areas. Such a system would be difficult to introduce. It was true, however, that parents frequently asked their children to help out in their work.

7. With regard to sex education, as a rule it was the parents who imparted basic sexual information to their children. Specialized publications were beginning to appear, in particular a book on human physiology, which explained how the body changed from year to year and could be useful to parents as a basic guide to sex education for their children.

8. With regard to the division of responsibility between the national and local levels, there was a central budget adopted by the Supreme Council and a local budget under the control of the local councils. If the central authorities decided to grant supplementary assistance in a particular area, they could request the local councils, in the form of a recommendation, to allocate part of their budget to the area in question.

9. Mr. HAMMARBERG, noting that the report was relatively brief, said that, although the delegation had provided ample information in reply to the questions, it would be interesting to know of areas in which Belarus would like to receive advice and expert opinions, to exchange information with other countries or to take advantage of outside cooperation.

10. Mrs. SIVOLOBOVA (Belarus) considered that Belarus would need advice from other countries in the light of their experience and of expert assistance in the area of standard-setting and legislation. In that connection, she noted that Belarus was in the process of setting standards with a view to implementing the provisions of the Convention on the Rights of the Child, and the country's lawmakers were feeling their way forward in that area. Belarus would also need assistance in the context of seminars, which would give it access to other countries' experience. She added that it was difficult to reply at such short notice to Mr. Hammarberg's question and proposed that her delegation be given time for reflection so that it could subsequently provide the Committee with a specific account of her country's needs.

11. The CHAIRPERSON, returning to Mr. Hammarberg's question, said that she wished to know in which area Belarus would like to share experience with other countries. Was it thinking of health, for example, or perhaps education, social protection or juvenile justice? And was it interested in the legal or non-legal aspects of those areas?

12. Mrs. SIVOLOBOVA (Belarus) said that it would be useful to exchange information on all kinds of matters that had been overlooked in the past but had become topical, such as social protection, transnational adoption, social education, refugee children and other questions.

13. Mrs. LEONOVA (Belarus) added that assistance in the area of legislation would be appreciated. Belarus was endeavouring to afford maximum protection for children's rights and interests, and it would be useful in that context to consult relevant legislation adopted by other countries and to hear of the results achieved by bodies responsible for protecting children's rights.

14. Mr. HAMMARBERG noted that the debate had focused essentially on economic, administrative, legislative and social problems and hardly at all on children's rights as such and how they were affected by such problems. He wondered whether the concept of the child as an individual who had certain capacities - and hence a claim to be heard - and yet who was vulnerable and therefore in need of protection, was properly understood by the country's leaders and policy-makers.

15. Mrs. SARDENBERG said she understood that Belarus was preparing a plan of action to implement the World Declaration on the Survival, Protection and Development of Children in the 1990s adopted at the World Summit for Children in New York. The United Nations Children's Fund (UNICEF) would be able to assist it in its task, having already done so for many other countries. UNICEF's cooperation in preparing the plan, which should be comprehensive and would therefore cover many key problem areas, would give the authorities a better idea of the kind of cooperation and advisory services that were required. In addition, Belarus could obtain international assistance for its current project of drafting a marriage and family code.

16. Mrs. SIVOLOBOVA (Belarus) agreed that the services of UNICEF, with its vast experience in that area, would be very valuable.

17. In reply to Mr. Hammarberg, she said that everyone in Belarus, from the family unit to the highest levels of Government, was concerned with child welfare issues. Many instruments concerning the situation of children had been adopted in recent years, and in spite of all its economic difficulties the Belarusian Government had released funds in aid of children. For example, the Prime Minister of Belarus had invited more than 500 children from all over the country to a Christmas party. She hoped that the country's economic situation would improve so that the problems were not only understood but more effectively addressed. She assured the members of the Committee that the Belarusian Government would do its utmost to implement the Committee's recommendations.

18. The CHAIRPERSON invited the members of the Committee to present their final comments on the initial report of Belarus (CRC/C/3/Add.14) in the light of the dialogue conducted with the delegation.

19. Mrs. BELEMBAOGO said that the dialogue with the Belarusian delegation had shed more light on the special situation prevailing in Belarus and the difficulties facing the Government in the wake of the country's recently won independence and its transition to a new political and economic order that had called for an internal reorganization of the entire judicial, legislative, economic and social system. In addition, the Chernobyl nuclear accident had had a catastrophic and enduring impact on the environment and on the health of the population in general and of children in particular. While the dialogue initiated with the delegation had drawn attention to the efforts being made by the Belarusian Government, the replies given to the questions asked by the members of the Committee had been inadequate.

20. She wished to make a number of general recommendations. The first was that Belarus should continue to bring national legislation into line with the provisions of the Convention on the Rights of the Child. She next suggested

that it should formulate a national child protection policy based on the recommendations of UNICEF and WHO, seeking in particular to pinpoint the most vulnerable social groups and to improve the targeting of programmes at their needs. It would also be useful to explore the issues in greater depth at a national seminar, which would bring together all government departments responsible for children's questions, and provide an opportunity to formulate the broad lines of a national policy and to channel fund-raising efforts towards different priorities. Action should also be taken at the national level to promote assistance from charitable and humanitarian bodies and non-governmental organizations. Lastly, she recommended the establishment of a system of national monitoring and permanent assessment of children's programmes.

21. Mr. MOMBESHORA wished to comment in particular on the area of health. Firstly, given the problems of radioactivity related to the Chernobyl disaster, he was relatively satisfied with the health indicators (infant mortality rate and vaccination ratio) recorded by Belarus and hoped that the country would have the requisite resources to continue its fight against the adverse effects of radiation. It might be a good idea to seek international assistance in that area. He was concerned, however, at the large number of abortions and advocated the introduction of appropriate family planning programmes that were not run by the central authorities but by well-trained persons who could communicate with the general public. He gathered from paragraph 77 of the report that there were 4,700 paediatricians for 16,700 beds, or one doctor for every four beds. It seemed to him that such over-specialization needed to be rationalized. He also felt that the Government had a duty to inform the population of the risks it incurred in refusing to leave the areas contaminated by the Chernobyl accident. A constructive policy was needed to mitigate the effects of radiation on community and child health. Lastly, he recommended the encouragement of breast-feeding in view of the country's food supply difficulties and contamination problems.

22. Mrs. SARDENBERG first noted the favourable points that had emerged in the course of the dialogue with the Belarusian delegation. Belarus had acceded to the main international human rights instruments. It had acceded very early to the Convention on the Rights of the Child, had signed and ratified the World Declaration on the Survival, Protection and Development of Children in the 1990s and had adopted national legislation on children's rights. On the other hand, the report of Belarus painted a gloomy picture of the country's difficult situation, especially after the Chernobyl nuclear disaster. In that connection, she endorsed Mr. Mombeshora's recommendations regarding health and the environment. She urged Belarus to proceed rapidly with the adoption of its new family code, to draw up a national programme of action and to introduce a programme of cooperation with NGOs to heighten public awareness of existing problems and above all to change people's attitudes to children as subjects of law.

23. Mr. HAMMARBERG said that Belarus was facing enormous difficulties that could impede the implementation of the Convention on the Rights of the Child. He deplored the lack of international solidarity in the form of aid for the victims of the Chernobyl accident and hoped that Mr. Mombeshora's recommendations would be acted upon.

24. He wished to comment on two areas. Firstly, as already mentioned by Mrs. Belembaogo, he suggested that the joint WHO and UNICEF action in aid of the most disadvantaged groups of Belarusian society should be strengthened. Secondly, bearing in mind the economic constraints on society, he recommended the systematic development of family guidance and planning services to facilitate more effective management of all family crisis situations (adolescent sex education, divorce, etc.). At the same time, he welcomed all the work that Belarus was doing in spite of the many problems confronting it, especially its action on behalf of abandoned and disabled children with a view to placing them in a family environment.

25. Miss MASON said that Belarus was going through a difficult period marked by far-reaching political and economic changes and the after-effects of Chernobyl. Those difficulties should not, however, constitute an obstacle to child development, a goal to which Belarus had fully committed itself at the World Summit for Children. She noted with satisfaction that Belarus intended to introduce various measures on behalf of children (in particular the law on children's rights) but a law's success was, of course, measured in terms of its implementation. She then reviewed the various subjects of concern mentioned the previous day, in particular the lack of protection for the rights guaranteed under article 26 of the Convention for working children (social security and social insurance).

26. She furthermore deplored the superficial understanding and implementation of the general principles of the Convention and drew attention to the need to strike a balance between parental responsibility and children's rights. She also noted the existence of discrimination against various minorities, in particular Jews, as had also been mentioned in the final remarks of the Human Rights Committee. In addition, she was concerned at the inadequacy of the provisions for financial assistance to children in the event of the decease or divorce of their parents and by the lack of specialized establishments to promote the recovery and social reintegration of children, in accordance with article 39 of the Convention on the Rights of the Child.

27. It was regrettable that the new Belarusian society had made no provision for the prevention and treatment of drug abuse. Lastly, she felt that particular attention should be given to the special training of officials responsible for implementing legislation on behalf of children. Better coordination of all children's programmes was also desirable. She was aware that those concerns stemmed from the changes occurring in Belarusian society and in no way detracted from the manifest goodwill of the Government of Belarus. In conclusion, she thanked the Belarusian delegation for giving her a clearer picture of the situation of children in Belarus and expressed the hope that the country's progress could be assessed on submission of the periodic report five years later.

28. Mr. KOLOSOV admitted that he would find it difficult to conclude on an impartial note because, as a Russian, he felt particularly concerned by the social situation of Belarus, which had formerly been a Soviet republic. Belarus was a country in transition, faced with difficulties relating to centralization and decentralization and deprived of the benefit of expert services.

29. He felt that the report had an urban slant and gave too little attention to the situation of children in rural areas. Town and country were two different worlds in Belarus. In rural areas, children were breast-fed and there was neither contraception nor prostitution. The Soviet Union had ranked as a developed country, but the gap between town and country persisted and rural Belarus had all the marks of a developing country, distinguishing it from other countries in Europe. The next periodic report should therefore contain a breakdown of figures for children by the environment in which they lived as well as by sex.

30. He was concerned at the absence of a monitoring and coordinating body for child-related activities. The establishment of such a body should be encouraged. In addition, new trends such as privatization called for appropriate legislation, which was difficult to draft because experience in that area was lacking. It was a fact, however, that children working in the private sector needed protection from the enterprises concerned, which cared not a whit for the schooling of the children they employed. Moreover, the Government should introduce machinery for providing assistance based on the minimum subsistence threshold rather than the minimum wage in order to narrow the gap between rich and poor families and afford minimum social protection.

31. He was not convinced that youth associations should be prevented from engaging in political activities. Pushkin, in his youth, had already made his political views felt. In that connection, article 15 of the Convention, under which States parties recognized the rights of the child to freedom of association, placed no restriction on the political activities in which such associations might engage. Lastly, a set of provisions concerning persons under 18 should be included in the law on social protection.

32. Mrs. RUFFMAN, referring to article 5 of the Convention, said that communities should back up the Government, local authorities and NGOs and play a more prominent role on behalf of children in the fields of health, education and social reintegration. The Government should train social workers to play a preventive role and to remedy problems relating to children. Research should be conducted to enhance the effectiveness of their activities.

33. The CHAIRPERSON, recapitulating the conclusions reached by members of the Committee, said that Belarus, which was opening up to the outside world, was going through a difficult institutional and economic period. It was also faced with special difficulties in seeking to prevent the destructive effects of radioactivity from being transmitted to the next generation. To bring down the abortion rate, contraception should be promoted and a decentralized family planning system put in place. The ensuing decline in the birth rate would, of course, raise another problem.

34. A national child policy should be formulated to provide assistance for the most vulnerable groups and a national symposium had been suggested as a forum for producing such a policy. In that connection, certain United Nations bodies such as WHO and UNICEF could offer Belarus support and follow-up assistance. In addition, a family support system could help to counter certain undesirable trends such as the rise in divorce, drug addiction and prostitution by providing parent counselling programmes. The reform of the

family code was a welcome development. A greater effort should be made to differentiate between the problems encountered in rural and urban areas.

35. As the gap widened between the advantaged and the deprived, the entire population should be guaranteed a minimum livelihood. Arrangements should be made for involvement by NGOs. With regard to the impact of radioactivity, WHO and UNICEF could offer valuable assistance. The situation of working children should be followed more closely and a protection law promulgated to that end, and the Social Security Act should be reviewed. UNICEF could assist in implementing certain articles of the Convention under the national programme of action for children. It was necessary to strike a balance between parental guidance and freedom of expression for the child. Lastly, the profession of social workers needed to be developed. Belarus could benefit in some sectors from the advisory services of the Centre for Human Rights and the assistance offered by various organizations of the United Nations system; it could also be invited to the regional and international meetings held under its auspices on matters of relevance to children.

36. Mrs. SIVOLOBOVA (Belarus) expressed appreciation of the goodwill that the Committee had shown to her delegation. On returning to Belarus, she would transmit the Committee's recommendations to the Supreme Council and the Government. She requested the Committee to let her have them in writing so that they could form the basis of the recommendations that she would herself transmit to the competent authorities.

37. The CHAIRPERSON thanked the delegation of Belarus for replying to the Committee's questions and said she hoped that the productive dialogue that had been initiated with the delegation would continue over the next five years until the second periodic report was submitted.

The meeting rose at 4.50 p.m.